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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
	09/935,545	HARTWIG ET AL.
Office Action Summary	**Examiner**	**Art Unit**	
	Carolyn F. Fleary	2152	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 April 2005</u>.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,6 and 9-15</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-2,6,9-15</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a) ☐ All b) ☐ Some * c) ☐ None of:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. _____.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants' amendment to claim 10 "updating stored identifying information of said device in said pluggable server module" is not disclosed in Applicants amended specification, filed 4/05/2005.

2.   Applicant's arguments with respect to claim 1-2,6,10-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.

5.   Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pennerath et al. (EP 1069694 A1).

In regards to claim 1, Pennerath et al. et al. discloses a pluggable server module (31,41,51) for remote control (80) of a device (1,2,3,4), comprising

- a wireless transceiver (50), a computing means (51),a storage means (52), a server remote control logic (53), a standardized interface and connector for connection to said device (7), wherein said wireless transceiver (50) is connected to said computing means (51), and said computing means (310) is connected to said server remote control logic (53) said remote control logic(53) is connected to said standard interface and connector (7) and said storage means(52) is connected to said computing means (51) for storing user interface data([0030][0033])

6.   Claims 1- 2, and14-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hollstrom et al. (US 2001/0056502).

In regards to claim 1, Hollstrom et al. discloses a pluggable (e.g. connected directly to the devices) server module (31,41,51) for remote control (of a device (30,40,50), comprising

- a wireless transceiver (364,362), a computing means (310),a storage means (320), a server remote control logic (348, [0041]), a standardized interface and connector for connection to said device (350), wherein said wireless transceiver (364,362) is connected to said computing means (310), and said computing means (310) is connected to said server remote control logic (348) said remote control logic(348, [0041]) is connected to said standard interface and connector (350) and said storage means(320 [0035][0040]) is connected to said computing means (310) for storing user interface data([0038]e.g. function for enable user input from a mobile terminal to the server module to the device.)

In regards to claim 2, Hollstrom et al. discloses (see fig. 3) a pluggable server module according to claim 1, further comprising a wireless protocol stack server (340) connected between said wireless transceiver (362,364) and said computing means (310).

In regards to claim 14 and 15, Hollstrom et al. discloses a device(400) comprising a logic element(e.g. CGI routines that when executed by control logic-140 controls functionally of the device[0038]), and a control logic[410], and being characterized by a standard interface and connector (460, [0036]) for operable connecting to a pluggable server(31,541,51) according to claim 1 or claim 2, wherein said standard interface and connector are connected to said control logic and said control logic is connected to said logic element (fig. 4 e.g. connection between 410 and 430, [0038])].

7.   **Claims 9-10,12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Rezvani (US 2003/0140107).**

In regards to claim 9, Rezvani et al. discloses a method for transferring user interface data

for preparing the remote controlling of a device by means of a pluggable server module,

from said device to said pluggable server module (abstract lines 1-5), comprising the steps

of:

- detecting a pluggable server module connected to a standardized interface and a

  connector of said device ([0061] lines 4-7, [0140- 0141] ;

- retrieving said user interface data ([0060] [0076]) from a storage means([0058]) of

  said device

- transferring said user interface data to said pluggable server module via said

  standardized interface and said connector ([0060] lines 1-4).

Although Rezvani et al. teaches the detection of pluggable server module

(monitoring module), Rezvani et al. is silent on the connection. However this feature is

deemed to be inherent to the Rezvani et al. system as section [0140] shows automatic

detection allows devices coupled to modules to be automatically detected.

Although Rezvani et al. teaches user interface data and the pluggable sever module,

Rezvani et al. is silent on the transfer of the user interface data to the pluggable server.

However this feature is deemed to be inherent to the Rezvani et al. system as section

[0060] shows is loaded with data from a device. The Rezvani et al. system would not be

able to allow for remote control of a device if the user interface data wee not transferred to

the pluggable server module.

In regards to claim 10, Rezvani discloses a method of retrieving user interface data (e.g.

programming, objects, device descriptor (49), user interface (58)) for preparing the

controlling of a device by means of pluggable server module to enable interaction of the

device, wirelessly (e.g. WAP enabled phone (17) [0082]), with remote terminal[0060], said

method comprising the steps of:

- requesting device identifying information (e.g. drivers, unique strings, device

  specific template etc) from said device, containing at least device and manufacture

  related information [0061][0076][0142][0144][0147].

- receiving and storing said device identifying information (e.g. templates, drivers,

  unique strings) in said pluggable server module including updating stored identifying

  information of said device in said pluggable server module ([0094] [0147] e.g.

  obtaining info from device, receiving updates from manufacturer)

- transferring said device identifying information to a network access point (14,17

  [0038]) which may be the remote control terminal itself;([0094- 0096])

- Transferring said device identifying information from said Network Access Point to a

  communication network; ([0094- 0096])

- Receiving said user interface data by response from said communication network

  ([0094- 0096]);

- storing said user interface data in said pluggable server module (28),

  ([0058][0060][0076][0094] [0147])

In regards to claim 12,13, Rezvani et al. discloses computer program embodied on a

tangible medium ([0049][0051][0060][0140) by a wireless remote control terminal (17,22)

via a lower power radio link and a pluggable server (28) , comprising a program code when

said program is run on the pluggable server(28) for carrying out the above steps in claims 9

and 10.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

9.   **Claim 6,12, and 13 are rejected under 35 U.S.C. 102(e) as being clearly**

anticipated by Hollstrom (US 2001/0056502) in view of Rezvani et al. (US

2003/0140107)

In regards to claims 6, and 12 Hollstrom et al. discloses a method for remote controlling of

a device by a wireless remote control terminal (10) via a wireless link (32), a pluggable

server (31,51,41) connected to said device via standard interface and connector (350) and

computer program embodied on a tangible medium by a wireless remote control terminal

(10) via a lower power radio link and a pluggable server (31,41,51) , comprising a program

code , when said program is run on the pluggable server for carrying out the following

steps:

- transfer user interface content and/or auxiliary content interface (e.g. use full

  information, start page) by a wireless protocol stack(340) from said pluggable

  server(31,51,41) to said wireless remote control terminal (10) that may be among

  others a set of commands (e.g. plurality of controls) for controlling said device or

  said pluggable server via said wireless link [0042][0043][0045].

- displaying said contents on a display (13) in said wireless remote control terminal

  [0045]

- selecting one of the commands ([0047]) in said terminal(50), by a user input

  ([0045]); and generating a contents request in said terminal (e.g. request to view

  pictures) according to said selection;

- transferring a content request by wireless protocol stack(240) via said wireless link

  ([0044]) from said wireless remote control terminal (10) to said pluggable server

  (41) [0045] [0047]

- invoking the desired remote command (in device (41)) by using a communication

  protocol on the standard interface and connection, the remote command being

  triggered, specified and parameterized by said content request to the pluggable

  server[0047].

- executing said command in said device[00047]

- transmitting and displaying said corresponding response page on the remote control

  terminal ([0045-0047])

Hollstrom et al. is silent on

- communicating the results of the remote command execution in said device from

  said device to said pluggable server

- creating a corresponding response page in said pluggable server ;

Rezvani et al. discloses:

A method for remote controlling of a device ([0004]-lines 1-3, [0054]-lines 1-14, [0056))

by a wireless remote control terminal ([0038] lines 9- 10) via a wireless link ((0039-Iines 5-

11, (0O50)-line 7), a pluggable server (28) connected to said device (32) via a standardized

interface and a connector ([0051]-lines 1-10,[0052], lines 6-15 [0057] lines 1-6) and

computer program embodied on a tangible medium ([0049][0051][0060][0140]) by a

wireless remote control terminal (17,22) via a lower power radio link and a pluggable server

(28) , comprising a program code when said program is run on the pluggable server(28) for

carrying out the following steps of:

- transferring a content request by wireless protocol stack (e.g. WAP enabled cell

  phone [0082]) via said wireless link from said wireless remote control

  terminal(17,22) to said pluggable server(28) ([0064][0074][0085]).

- invoking the desired remote command in device ([0085] by using a communication

  protocol on the standardized interface and connector (e.g. connection between (28)

  and (34) in fig. 1), the remote command being triggered, specified and

  parameterized by said content request to the pluggable server ([0005-0006],

  [0042][0078])

- executing said command in said device; ([0060], lines 9-12)

- communicating the result of the remote command execution in said device from said

  device to said pluggable server ([0062)-lines 11-15,[(0080])

- creating a corresponding response page in said pluggable server ([0074] lines 5-13 ,

  [0042]) and

- transmitting and displaying said corresponding response page on the remote control

  terminal ([0042], [0053] lines 4-6, [0075] lines 7-16,[0077] lines 1-6,

  [0080][0090]) .

It would be obvious to one of ordinary skill in the art at the time of the invention to

modify Hollstrom et al. by having communicating the results of the remote command

execution in said device from said device to said pluggable server creating a corresponding

response page in said pluggable server and transmitting and displaying said corresponding

response page on the remote control terminal, as taught by Rezvani et al. in order to

display a current state of a device [0090]

10.   Claims 11,12, and 13 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rezvani (US 2002/0140107) as applied to claim 1 above further

in view of Rudd et al. (US 6,178,468):

In regards to claim 11,12 and 13 Rezvani et al. teaches a method according to claim 10

wherein the transfer of said device identifying information from said remote control terminal

(17,22) to said communication network (16) is executed by :

- transferring device identifying information said internet access point (23) to said

    communications network(16) via the internet [0038][0039]

Rezvani also discloses computer program embodied on a tangible medium

([0049][0051][0060][0140) by a wireless remote control terminal (17,22) via a lower

power radio link and a pluggable server (28) , comprising a program code when said

program is run on the pluggable server(28) for carrying out the above steps.:

Rezvani et al. is silent on:

- first transferring device identifying information to a first internet access point via a

    telephone network..

Rudd et al. discloses:

a method wherein the transfer of said device identifying information from said remote

control terminal to said communication network is executed by:

- Transferring said device-identifying information first to an Internet access point via a

    telephone network (col. 4 lines 65-67), and then

- Transferring said device-identifying information from said Internet access point to said

    communication network via Internet. (col. 4 lines 10-11, 16-18)

Rudd et al. also discloses computer program when said program is run carries out the

above steps (abs e.g. code causing installation and downloading of files to occur).

Rudd et al. teaches alternate sources (URL, BBS, LAN, WAN) may be used to retrieve installation resources (col. 4 lines 60-68) where the structure and logic remains the same.

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Rezvani et al. by having first transferring device identifying information to a first internet access point via a telephone network (e.g. BBS), as taught by Rudd in order to allow for efficiency, convenience and real time mechanism for obtaining device identifying information, instead of requiring a module be pre-supplied with user interface data and allow the Rezvani et al. system to leverage the plug and play functionality of the Rudd system. (See Rudd et al. col. 2 lines 25-44).

Response to Arguments

11.   Applicant's remarks with respect to the objected Abstract, Drawings specification, objections of claim(s) 12-13, rejection of claims under 35 U.S.C 112 second paragraph, and rejection of claims under 35 U.S.C 101 have been fully considered. The rejection and objections have been withdrawn in light of amended claims.

12.   Applicant's arguments filed 4/6/2005 have been fully considered but they are not persuasive.

13.   In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a user interface for remote control, a server module is a hardware pluggable server module, the server module is hardware pluggable server module which becomes updated with new software) are not recited in the rejected claim(s). Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims. See

In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's argument that Rezvani et al. does not disclose a pluggable

server module which store information and updating store identifying information of said

device is said pluggable server module.

Applicants specification do not disclose pluggable server module as a standalone

device per se. ; as such Rezvani provides at least 2 embodiments of a pluggable server

module (28): 1) as a standalone device 2) as software running on a client [0051]. It is also

noted that Applicants specification, including claims, does not disclose updating store

identifying information of said device is said pluggable server module and thus constitutes

new matter.

Rezvani discloses wireless remote control terminal (17,22), which remotely accesses,

a pluggable server module (fig. 1-Second Node: 28) with or without remote site (14)

[0050][0057].   The Rezvani system provides users with the opportunity to remotely control

and monitor devices (32) using wireless remote control terminals (17) [0056][0064]

Rezvani clearly indicates user interface data for a device (e.g. programming, objects,

device descriptors, user interface, [49,58]) stored in pluggable server module (28)

[0058][0060][0076], and thus is obvious at it relates to claims 6,9, and 10.

Conclusion

1.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant

to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no

event, however, will the statutory period for reply expire later than SIX MONTHS from the

mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Carolyn F. Fleary whose telephone number is (571) 572-

7218. The examiner can normally be reached on 8:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-

217-9197 (toll-free).

Dung C. Dinh
Primary Examiner

Carolyn F Fleary
Examiner
Art Unit 2152

CFF